

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

ALICE KRAMER, as Personal Representative of the
Estate of Arthur Kramer,

V. DEFENDANT AND THIRD PARTY PLAINTIFF

PHOENIX LIFE INSURANCE CO.

THIRD PARTY SUMMONS IN A
CIVIL ACTION

Case Number: 08 CV 2429 (DAB) (MHD)

V. THIRD PARTY DEFENDANT

STEVEN LOCKWOOD

To: Name and address of Third Party Defendant

Steven Lockwood
2 Tall Tree Lane
Pleasantville, NY 10570

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Stuart I. Friedman
Andrew A. Wittenstein
FRIEDMAN & WITTENSTEIN
600 Lexington Avenue
New York, New York 10022
(212) 750-8700

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Patrick J. Feeley
Christopher G. Karagheuzoff
DORSEY & WHITNEY LLP
250 Park Avenue
New York, New York 10177
(212) 415-9200

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

APR 09 2008

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALICE KRAMER as Personal Representative of the
Estate of Arthur Kramer
Defendant and Third Party Plaintiff,

AFFIDAVIT OF SERVICE

Case No. 08CV2429

- against -

PHOENIX LIFE INSURANCE CO.

- against-

STEVEN LOCKWOOD
Third Party Defendant

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

Andrew Bartley, being duly sworn, deposes and says: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On April 11, 2008, at approximately 9:00 a.m. at 2 Tall Tree Lane, Pleasantville, NY 10870, deponent served the within Summons, Answer and Counterclaims, Complaint, Notice of Motion, Memo of Law, Affidavit of Katharine L. Villanveva, the Individual Practices of Judge Deborah A. Batts, the Individual Practices of Magistrate Judge Michael H. Dolinger, Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction, Consent to Exercise of Jurisdiction, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing, 3rd Amended Instructions for Filing an Electronic Case or Appeal upon **Steven Lockwood** by delivering to and leaving with Wanda Lockwood, who stated that she is the wife of the herein named Third Party Defendant Steven Lockwood a true and correct copy of said documents.

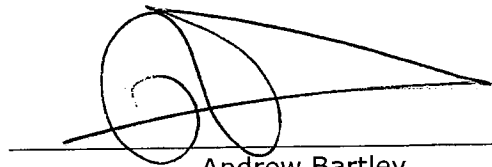
Wanda Lockwood is described as white female, approximately 5'2" to 5'3" tall, 120 to 130 lbs., 48 to 53 years of age, has black hair and was wearing black framed glasses.

Deponent also states that on April 11, 2008, Deponent served a copy of the aforementioned documents by depositing a true and correct copy thereof separately

enclosed in a securely sealed, fully post paid, first class mail envelope, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed as follows:

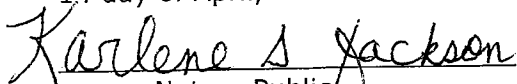
Steven Lockwood
2 Tall Tree Lane
Pleasantville, NY 10870

Deponent further states that the envelopes bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerns an action involving the addressees.



Andrew Bartley

Sworn to before me this
14 day of April, 2008.



Karlene S. Jackson
Notary Public

Karlene S. Jackson, Notary Public
State of New York, #01JA5083169
Qual. in Queens Cty, New York Cty
Commission Expires November 17, 2009